



CITY COUNCIL AGENDA

AUGUST 28, 2001

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 7)**
Pastor Tony Williams, Maranatha Christian Center
- **Pledge of Allegiance**
- **Orders of the Day**

1 CEREMONIAL ITEMS

- 1.1 Recognition of the San José International Airport's award for excellence in financial reporting for fiscal year ending 2000 from the Governmental Finance Officers Association (GFOA). (Dando)
- 1.2 Presentation of a commendation to Dan Garrett for being selected from a competitive field of over 68,000 Naval Reservists worldwide as the Navy Reserve Sailor of the Year 2001. (Cortese)

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26455 – Amends various Sections of Title 20 to alter the development regulations in commercial and residential zoning districts.
- (b) ORD. NO. 26456 – Amends various Sections of Chapters 20.20, 20.30, 20.40, 20.50, 20.80, 20.100, and 20.200 to establish regulations for electrical power generation.
- (c) ORD. NO. 26457 - Rezones certain real property situated at the southeast corner of Blackford Avenue and Saratoga. PDC 00-09-089
- (d) ORD. NO. 26458 - Rezones certain real property situated at the northeast corner of Capitol Expressway and Carpentier Way. PDC 00-10-102
- (e) ORD. NO. 26459 - Rezones certain real property situated at the southeast corner of Seaboard and Channing Avenues (2585 Seaboard Avenue). PDC 00-08-074
- (f) ORD. NO. 26460 - Rezones certain real property generally bounded by Coe Avenue to the north and Minnesota Avenue to the south within and adjacent to the Lincoln Avenue Neighborhood Business District. CC 01-07-070
- (g) ORD. NO. 26461 - Rezones certain real property generally bounded by Prospect Street to the east and Highway 87 to the west within and adjacent to the Willow Street Neighborhood Business District. CC 01-07-071
- (h) ORD. NO. 26462 - Rezones certain real property situated at the east side of Monterey Road and the south side of Fehren Drive. C 00-10-110

2 CONSENT CALENDAR

2.3 Approval of recommended changes to Bail Schedule.

Recommendation:

- (a) Approval of recommended changes to the City of San José Bail Schedule and direction to the City Attorney to submit the recommended changes in the Bail Schedule to the Superior Court Bail Committee.
- (b) Approval of an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of infractions.

(City Attorney's Office)

2.4 Approval to amend an agreement for additional dwellings in Phase 6 of the Acoustical Treatment Program.

Recommendation: Approval of a third amendment to the agreement with Corlett, Skaer & DeVoto Architects for acoustical treatment design, bid support, and construction administration services for 27 additional dwellings in Phase 6 of the Airport Acoustical Treatment Program, to increase compensation in an amount not to exceed \$221,860, for a total agreement amount not to exceed \$6,055,349, and extending the time for completion from June 30, 2002 to June 30, 2003. CEQA: Resolution No. 67380. (Airport)

2.5 Approval of various fiscal actions for various Redevelopment Agency Capital Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Graffiti Abatement and Power Washing (Blight Abatement) Project, the East Santa Clara Street Pedestrian Lighting Project, and the West San Carlos Street Pedestrian Streetlight Project, with a net impact to the fund of \$487,505. (City Manager's Office)

2.6 Approval to reject bids for the Nitrification Air Supply Automation.

Recommendation: Approval to reject all bids for the construction project entitled "San José/Santa Clara Water Pollution Control Plant, FY 1997/1998 Capital Improvement Program, Nitrification Air Supply Automation." CEQA: Exempt. (Environmental Services)

2.7 Approval of additional work for the Repair of Expansion Joints and Concrete Cracks in Nitrification Pipe Gallery Project.

Recommendation: Approval of Contract Change Order No. 1 with Fargo Construction for the construction project entitled "San José/Santa Clara Water Pollution Control Plant, FY 1999/2000 Capital Improvement Program, Repair of Expansion Joints and Concrete Cracks in Nitrification Pipe Gallery," in an amount not to exceed \$40,000, for a total contract amount of \$112,730, with no contract time extension. CEQA: Exempt. (Environmental Services)

2 CONSENT CALENDAR

2.8 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #5, and authorization for the Director of General Services to execute the purchase orders. (General Services)

2.9 Approval of the sale of surplus police patrol cars and equipment to the State of Baja California Sur, Mexico.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the sale of eight surplused former police patrol cars and associated equipment for the amount of \$16,000, to the State of Baja California Sur, Mexico, to be redistributed to communities with limited resources in Baja California Sur. (General Services)

2.10 Approval to create, change, and delete various job classifications.

Recommendation:

- (a) Adoption of a resolution amending the City Pay Plan to create job classifications for Supervisor, Administration (1138), Senior Supervisor, Administration (1139), Principal Office Specialist PT (1121), Literacy Program Specialist PT (6237), and Temporary Employee Retiree Unclassified (9984).
- (b) Adoption of a resolution to change job classification titles for Supervising Office Specialist (1116), Staff Technician (1622), Staff Technician PT (1624), Marketing Representative I (4231), Marketing Representative I PT (4233), Marketing Representative II (4234), Marketing Representative II PT (4235), Marketing & Promotion Officer (6338).
- (c) Adoption of a resolution to revise salaries for Office Specialist I (1126), Office Specialist I PT (1128), Senior Office Specialist (1135), Senior Office Specialist PT (1137), Secretary (1156), and Secretary PT (1155).
- (d) Adoption of a resolution to delete various obsolete job classifications. (Human Resources)

2.11 Adoption of a resolution approving the reorganization of Evergreen No. 185.

Recommendation: Adoption of a resolution authorizing the reorganization of territory designated as Evergreen No. 185, which involves the annexation to the City of San José of 2.51 gross acres of land, located at the east side of Ruby Avenue, approximately 52 feet northerly of Murillo Avenue, and the detachment of the same from the Central Fire Protection District and the Santa Clara County Library Services Area. CEQA: Negative Declaration. Council District 8. (Planning, Building, and Code Enforcement)

2 CONSENT CALENDAR

2.12 Approval of various actions related to the San José Beautiful Steering Committee.

Recommendation:

- (a) Approval of the appointments to the San José Beautiful Steering Committee of Joe Amelio, Mannie Dominguez, Madeline Knight, Lynell Robinson, Dale Osborn, and Laura Schaub to two-year term's effective July 2001.
- (b) Reappoint currently active Steering Committee members: Ben Andrews, Nancy Cardinet, Jim Ekblom, Diane Gard, Jon Hellesoe, Ann Smith, and Emily Yue.
- (c) Acknowledge the conscientious efforts of outgoing Steering Committee members: Rebecca Elliot, Bonita Gibson, Charles Strauss, and Kristin Sulpizio.
(Parks, Recreation and Neighborhood Services)

2.13 Approval to amend the master agreement for landscape architectural consultant services for the Mabury Park Master Plan.

Recommendation: Approval of the third amendment to the master agreement with Callander Associates Landscape Architecture Inc. for landscape architectural consultant services for various park and recreational projects, extending the term from September 30, 2001 to September 30, 2002, and increasing total compensation by an amount not to exceed \$35,000, for a total agreement amount not to exceed \$285,000. (Public Works)

2.14 Approval of a award of contract for the construction of the West San Carlos Street Median Island Improvements.

Recommendation: Report on bids and award of contract for the construction of the West San Carlos Street Median Island Improvements (Leigh to Willard) to the low bidder, Bellicitti and Pellicciotti Construction Company, Inc., in the amount of \$190,105, and approval of a contingency in the amount of \$19,000. CEQA: Exempt. Council District: 6. SNI: Burbank/Del Monte. (Public Works)

2.15 Acceptance of the San José Arena Authority Ticket Distribution Program Report.

Recommendation: Acceptance of the Second Quarter 2001 San José Arena Authority Ticket Distribution Program Report. (San José Arena Authority)

2.16 Approval of an agreement for public education and awareness services for the Traffic Calming Program.

Recommendation: Report on Request for Proposals and adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Liquid Agency, Inc. to develop and assist in implementing Public Education and Awareness services for the period September 1, 2001 to August 31, 2002, as part of the City's Traffic Calming Program, in an amount not to exceed \$314,000. (Transportation)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee - August 15, 2001 Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review August 28, 2001 Draft Agenda
 - (2) Add New Items to August 21, 2001 Amended Agenda
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
 - (d) Ad Hoc Traffic Calming Advisory Committee
- (d) Meeting Schedules
- (e) The Public Record
- (f) Boards, Commissions and Committees
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (1) Referral to Administration to determine feasibility of locating Council offices on a single floor in the New City Hall
 - (2) Request for discussion of whether or not there should be a City-owned full service cafeteria in or near the main City Hall building
 - (3) Referral to Administration for a workload assessment on developing a Construction Impact Mitigation Plan
- (h) Administrative Reviews and Approval
 - (1) Request to use Council General Funds by Council Member Pat Dando to attend National League of Cities' TEA-21 Reauthorization Task Force Meeting in Washington, D.C., August 17-19, 2001
- (i) Oral communications
- (j) Adjournment

3.3 Report of the Finance and Infrastructure Committee Council Member Dando, Chair

3.4 Report of AT&T Cable Franchise negotiations.

Recommendation: Report of AT&T Cable Franchise negotiations. (City Manager's Office)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair

4.2 Approval of the Auto Body Repair Shop Ordinance.

Recommendation:

- (a) Approval of an ordinance amending Title 6 of the San José Municipal Code to add a new chapter relating to the activity of auto body repair shops, to establish the permit procedures, and set forth operating regulations and conditions.
- (b) Adoption of a resolution amending the Schedule of Fees and Charges to establish an Auto Body Repair Shop inspection fee.

(Planning, Building and Code Enforcement)

[Education, Neighborhoods, Youth and Seniors Committee referral 6/18/01 – Item 5.1(f)]

4.3 Approval of various actions for the Sycamore Terrace Development.

Recommendation: Adoption of resolutions:

- (a) Making appropriation ordinance and funding sources resolution amendments to the Housing and City-wide Parks Construction and Conveyance Tax Funds which:
 - (1) Authorize a transfer of funds in the amount of \$750,000 from the Low- and Moderate-Income Housing Fund to the Citywide Parks Construction and Conveyance (“CPC&C”) Fund 391, to pay for a City-owned 0.51 acre parcel on the north side of Coleman Road between Almaden Expressway and Los Alamitos Creek for the development of the Sycamore Terrace Project;
 - (2) Increase the Interfund Transfers by \$750,000 to the CPC&C for Guadalupe and Los Alamitos Creek trail improvements; and
 - (3) Establish the Reserve for Almaden Lake Park and Trails Project in the amount of \$750,000.
- (b) Authorizing the Director of Housing to enter into exclusive negotiations with Pulte Home Corporation on behalf of the City to develop the Sycamore Terrace site, with at least 18 of the 59 units in the project being affordable to moderate-income households.
- (c) Finding that the use of 20% Housing Funds for the transfer of administration of the City’s 0.51 acre parcel at the northeast corner of Almaden Expressway and Coleman Road to the Department of Housing is a benefit to the City’s Redevelopment Areas.
- (d) Establishing a budget of \$1,080,000 for Guadalupe Creek/Los Alamitos Creek Trail Connection Project.

Council District 10. (Parks, Recreation and Neighborhood Services/Housing/City Manager’s Office)

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

5.2 Acceptance of the Parks and Recreation and Branch Library Bond Oversight Committees' report.

Recommendation: Acceptance of the report on the establishment of the Parks and Recreation and Branch Library Bond Oversight Committees (Measures O and P). (Library/Parks, Recreation and Neighborhood Services)

6 TRANSPORTATION SERVICES

6.1 Approval of the Interchange Prioritization List and direction to staff to forward the list to the VTA.

Recommendation: Approval of the proposed Interchange Prioritization List and direction to staff to forward the list to the Valley Transportation Authority for its Project Study and STIP funding processes. (Transportation)

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to reject proposals for services for a Small Multi-Family Dwelling (SmMFD) Ultra-Low Flush Toilet (ULFT) Distribution Program and approval of an agreement to implement the Program.

Recommendation:

- (a) Approval of the rejection of all proposals submitted in response to the Request For Proposals (RFP) issued for professional services for a Small Multi-Family Dwelling (SmMFD) Ultra-Low Flush Toilet (ULFT) Distribution Program for FY 2001-2002.
- (b) Approval of an agreement with ExPERT, Inc., negotiated as a sole-source contractor, to implement a SmMFD ULFT Distribution Program to distribute at least 8,600 ULFTs between the period August 28, 2001 to September 10, 2002, for a total amount not to exceed \$1,462,000.

(Environmental Services)

8 AVIATION SERVICES

8.1 Approval of a participation agreement for the acoustical treatment of eligible school structures at the Washington Elementary School.

Recommendation: Approval of a School District Participation Agreement with the San José Unified School District to reimburse the District for costs to be incurred by the District for design services, construction administration services, and construction costs for the acoustical treatment of eligible school structures at the Washington Elementary School located in San José, in an amount not to exceed \$1,700,000. CEQA: Resolution No. 67380. SNI: Washington/Guadalupe. (Airport)

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment